



For Immediate Release

Thursday, December 2, 2021

SENATOR BROWN VETERANS AFFAIRS HEARING

Wednesday, December 1, 2021

Senator Brown:

Mr. Secretary, thank you for your exemplary service in two administrations. A few months ago you were in this committee about the electron health record implementation. As you remember your strategic review of that program, the OIG's report, the new patient's scheduling system needs improvement as VA expands implementation. You remember all that.

Secretary McDonough:

I do.

Senator Brown:

It was designed by Cerner, part of the broader HR is currently at the facility in Columbus and the report outlined some pretty big issues that slow timely care for Veterans. The Scheduling left some clinic and appointment times out and lacked the tools to measure wait times, a serious area of concern. The new HR will come to Columbus as soon as March, 4 months from now. My office talks with them regularly and we'll follow up as we prepare for the new system. You know how hard these VA workers are working everywhere in our states, and we've got to set them up for success with this new HR. I'm not sure we're doing that. I'd like to ask you and your health record team to brief me and my staff soon so we can understand how the concerns raised will affect those workers, and that implementation.

Secretary McDonough:

Absolutely.

Senator Brown:

Thank you for that. On Veterans day I do a roundtable, I typically don't do big townhalls, I do roundtable because it reminds me of Lincoln. Like how you say, "go out and get your public opinion back," and you really learn from people. It was a Zoom roundtable in this case. A Vet named Daniel shared his story and outlined his health complications. It was painful to watch. He is wheelchair bound, he was very healthy when entered to the service. He was exposed to burn pits. He has immense pain, oxygen full time from a rare lung disease. He shared that story, he said he and his wife had been denied the high tier for the caregiver's program. What do you say to somebody like Daniel and his wife, who puts her whole heart into caregiving, and other Veterans like that who have been denied the expanded care givers benefits or have been denied and put into a lower tier, what do you say to them?

Secretary McDonough:

Well look, it's obviously heartbreaking, 1. 2, I've been talking to many of you all about the care givers program and my sense is that you didn't pass the care givers program so that 80% of applicants would be denied. So, I've given guidance to our team that, that's got to change. So, we're looking at regulation to figure out how we do that. So, what I would say to Daniel is "Thank you" and I'd say the same to his wife. And I'd also say that we are looking by virtue of our toxic exposure work, we are looking at rare respiratory cancers and rare lung diseases for our next round of presumptives. And on the caregiver program, I can't say it better than some of your colleagues have said it which is that you didn't pass that program so that 80% of people would be denied.

Senator Brown:

My understanding, and of my staff who is really knowledgeable about this, is that an estimated 6,700 caregiver benefits will be discharged due to the new criteria. Does VA have the authority to make the necessary changes they need so they can stay in the program, or do we need to act?

Secretary McDonough:

So, let's take a step back on maybe 3 things about the caregiver program just real quick. On the legacy program that expired at the end of last September on October 1, cause we're now expanding into the new program. So, we're going back and looking at everyone who was eligible under the legacy program that's maybe about 19,000 people. We've communicated with about 2,000 of those people and begun the reassessments of their cases. I've seen the same estimation which is that maybe 6,700 people may not qualify for the new program. That's an estimation, we do not have hard data on that. In many ways, people who don't qualify, don't qualify because they no longer need it. Which would be a good news story.

Senator Brown:

But you don't know that for sure.

Secretary McDonough:

I don't.

Senator Brown:

Yeah

Secretary McDonough:

So that's what we're doing, we're working through those cases. In any case if someone is found to no longer found to qualify for the legacy program, the soonest their participation in the program, the enhanced program, would be 90 days after October 1, 2022. Ok, so more than a year from today. If they're found today to no longer apply for legacy program, it would be another year plus before the support of the program would end.

So that's the legacy program. Then the question is, are we ready for the new program? So we've hired about 1,900 people, we're going to hire another 400 people for that program. We will be focused on consistency of decision making for participation and authorization into the program, and we will be focused on making sure that the program is as Congress intended. And 8 in 10 people being denied is not as you intended.

Which then brings me third to this question which is related to caregivers and related to this question of the Baudette case. Where several people who have been denied access have asked for the right and been granted it under an initial ruling to appeal that case in our Board of Veterans Appeals. We are contacting everyone who's been denied and making sure they know of their right to an appeal. We are not seeking an injunction on that ruling, we will carry out those appeals. But, we are also going to appeal the ruling itself to a higher court. Or,

at least we've petitioned the solicitor general to allow us to appeal. I hope to hear from them soon on that, but I want to level with that on this question of the Baudette ruling – which will be meaningful to you and your team and the caregivers – we will appeal that decision.

Bottom line though is that we're better positioned to carry out the expanded program. We're staffed up, we will carry out consistently and will carry it out consistent with your intent.

Senator Brown:

Thank you, Mr. Chairman, real quick comment. I appreciate your question on claims processing, I want to follow up on that, we also, I want to send you a letter on the 9010 loophole in the American Rescue Plan and what we're doing to prevent for profit colleges to prevent predatory behavior. I would like that in writing.

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